

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 25, 2001

**D037792        In re Dunn on Habeas Corpus**

The petition is denied.

**D038052        Barnett v. Superior Court of San Diego County/People**

The petition is denied.

**D035366        People v. Velazquez**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D037958        Luz H. et al v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Guadalupe H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Guadalupe H. is dismissed.

**D037994        Bonnie B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Bonnie B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D036615        Oregel v. American Isuzu Motors, Inc.**

The judgment is affirmed. Oregel is entitled to costs on appeal. McDonald, J.; We Concur: Kremer, P.J. Nares, J.

**D037884        Overton v. Cox**

The ruling appealed from is not appealable. The appeal is dismissed.

**D038115        People v. Breland, Jr.**

The appeal is dismissed as no judgment has been entered.

**D037978        Terri L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Terri L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D037766        Deborah M. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

**D037768        Crane v. Superior Court of San Diego County/Hedgecock**

At the request of petitioner, the petition for writ of mandate filed April 16, 2001, is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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DIVISION ONE

June 26, 2001

**D035641        People v. Ramirez**

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J.; McDonald, J.

**D035142        People v. Brown**

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D037934        In re Perez on Habeas Corpus**

The petition is denied.

**D037274        Caffrey v. City of Orange**

The judgment is affirmed. Appellant to pay costs on appeal. O'Rourke, J.; We Concur: Benke, J., McIntyre, J.

**D037662        In re Chhoun on Habeas Corpus**

The petition is denied.

**D036054        Community Development Commission of the City of Vista v. Hackbarth, Inc., et al.**

The judgment is affirmed. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

**D035155        Bourianov v. Sinclair Oil Corporation**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

**D038108        People v. Korkis**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 27, 2001

**D035618        Scripps Health v. Andros International, Inc., et al.**

The judgment is affirmed. The parties shall bear their own costs on appeal. Nares, J.;  
We Concur: Benke, Acting P.J., McDonald, J.

**D034528        People v. Contreras**

The judgment is affirmed as modified to strike the count 3 Vehicle Code section 23182 enhancement. The matter is remanded to the trial court to determine the actual time Contreras has spent in jail and prison and his conduct credits while in jail in accordance with the views expressed in this opinion. The trial court is directed to amend the abstract of judgment to reflect the modification and recalculation of credits, and forward the amended abstract to the Department of Corrections. The court's recalculation is to be entered without prejudice to Contreras's right to receive appropriate behavior and work credits for the entire period of his prison confinement as determined by the Department of Corrections. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D035484        Whitney et al. v. Sfregola as Trustee, etc., et al.**

The judgment is reversed insofar as it awards the plaintiffs attorney fees from the defendants. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal. Nares, J.;  
We Concur: Benke, Acting P.J., Huffman, J.

**D038174        People v. Superior Court of San Diego County/Borja**

The petition is denied.

**D037983        Hamaker et al. v. Hudson**

Pursuant to California Rules of Court, rule 10 (c), the appeal filed May 14, 2001, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

**D036665        Loretz v. City of Chula Vista Mobilehome Rent Review Commission/Hall et al,**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

**D036053        Madori v. Fleet Mortgage Group, Inc., et al.**

Upon written request filed by cross-appellants, the cross-appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). As to the cross-appellants Fleet Mortgage Group, Inc., et al., only.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 27, 2001 (Continued)

**D036951        People v. Warrick**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D034941        People v. Villasenor et al.**

Quijas's judgment is affirmed in its entirety. The true findings that Preciado personally used a firearm (section 12022.53, subd. (b)) in counts 30 and 31, the robberies at Escondido Boot World, are reversed. Preciado's case is remanded for resentencing for the court to vacate the sentences imposed on these two section 12022.53, subdivision (b) enhancements and to lift the stays on the related two section 12022, subdivision (a) enhancements. Villasenor's convictions of rape in concert in counts 10 through 13 are reversed and their related stayed sentences are stricken. Preciado's conviction of rape in count 15 is reversed and its related stayed sentence is stricken. The superior court is directed to amend Villasenor's and Preciado's abstracts of judgment accordingly and to forward copies of the abstracts of judgment to the Department of Corrections. In all other respects Villasenor's and Preciado's judgments are affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D035551        In re Tobacco Cases I, JCCP 4041**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 28, 2001

**D038209        People v. Chestnut**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

**D038019        People v. Kemesky**

As part of the plea appellant waived his appeal rights as to sentencing and motions to suppress. He may not challenge the validity of his plea as the request for a certificate of probable cause has been denied. The appeal is dismissed.

**D035079        In re Marriage of Harris and Beresh**

The judgment of September 28, 1999 is reversed to the extent it precludes the parties from introducing exhibits not exchanged or previously attached to their settlement or trial briefs. It is affirmed in all other respects. As for the January 6, 2000 judgment, the findings and/or rulings made in paragraphs 1B, 2, 9, 10, 13, 15 and 18 are reversed and the matter remanded for retrial on the issues thereto. Paragraphs 4 and 5 of this judgment are affirmed. Costs on appeal are awarded to Harris. McIntyre, J.;  
We Concur: Huffman, Acting P.J., O'Rourke, J.

**D035858        People v. Spade**

The judgments are affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D037408        In re C.C., a Juvenile**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Haller, J.

**D036724        People v. Beaver**

Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Nares, J.

**D036770        People v. Hendershot**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036790        In re Maria P. a Juvenile**

The orders are affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Nares, J.

**D037917        Mora v. Superior Court of Imperial County/People**

The petition is denied.

**D037916        Mora v. The Superior Court of Imperial County/The People**

The petition is denied.

**D037926        In re Mora on Habeas Corpus**

The petition is denied.

**D037553        Michelson et al. v. Gutierrez et al.,**

The judgment, the orders awarding sanctions under section 128.5, and the order denying appellants' motion to tax costs are affirmed. Respondents shall recover their costs on appeal. Nares, J.;  
We Concur: Kremer, P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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DIVISION ONE

June 28, 2001 (Continued)

**D037006        Premium Commercial Services Corporation v. First Financial Insurance Company**  
Judgment affirmed. Respondent to recover its costs of appeal. Benke, J.; We Concur: Kremer, P.J.,  
Nares, J.

**D037663        In re Hill on Habeas Corpus**  
The petition is denied.

**D035162        People v. Placencia**  
**D037200        In re Placencia on Habeas Corpus**  
The petition for writ of habeas corpus, D037200, is consolidated with the appeal, D035162, for  
disposition.

**D035162        People v. Placencia**  
**D037200        In Placencia on Habeas Corpus**  
(consolidated) The judgment is affirmed. The petition for writ of habeas corpus is denied. Nares, J.;  
We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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DIVISION ONE

June 29, 2001

**D035434      People v. Lambert**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

**D036820      Ikon Electronic Forms, LTd. v. Veenstra et al.**

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D038046      Ramona C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Ramona C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D037984      Paul M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Paul M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D037109      In re Emanuel N. a Juvenile**

The order is affirmed. Haller, J.; We Concur: McDonald, J., McIntyre, J.

**D037943      Villa Trieste at Del Oro Hills Master Association v. Superior Court of San Diego County/Shea Homes, Inc.**

The petition and request for stay are denied. The request for judicial notice is denied as moot. The request for leave to file amicus curiae brief by Consumer Attorneys of California and Epstein, Grinnell & Howell is denied.

**D037832      In re Erica E. et al, Juveniles**

Upon filing an abandonment of appeal, the appeal is dismissed.

**D036599      Save Our Forest and Ranchlands v. County of San Diego et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

**D037401      Bell v. Vista Paint Corporation**

**D038048      Bell v. Vista Paint Corporation, et al.**

The above-entitled appeals are consolidated.

**D038053      Tamaisha D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.**

The attorney for petitioner Tamaisha D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.